

(a) circular, triangular, square, rectangular, oval, and half circular shapes,

(b) spherical, pyramidal, cubical, letters and arrow shapes

wherein said contour of one of said levers is different from said contour of said other lever.

2. [Currently Amended] A At least two control levers as claimed in Claim 1 wherein each said lever controls a different movement of said resting device and wherein each said tactile contour of said other end is selected from the group of geometrical shapes, circular, triangular, square, rectangular, oval and half circular shapes presents a peripheral edge permitting tactile perception and association of said lever with said respective movement of said resting device.

3. [Currently Amended] A At least two control levers as claimed in Claim 4 2 wherein ~~said other end defines a substantially two-dimensional peripheral edge defining a tactile shape for identifying said control lever~~ is disposed in a plane.

4. [Currently Amended] A At least two control levers as claimed in Claim 1 wherein each said control lever is associated with a control guide including information corresponding to said ~~tactile shape and controlled movement of said resting device~~ shapes and the associated movements of said levers.

5. [Currently Amended] A At least two control levers as claimed in Claim 4 wherein said information comprises a visual representation corresponding to said tactile shapes.

6. [Currently Amended] A control lever as claimed in Claim 4 wherein said information comprises audio information corresponding to said tactile shapes and controlled movement of said resting device.

7. [Currently Amended] A plurality of levers each having one end adapted for attachment below a chair seat for controlling separate movements of a chair, each said lever having another end presenting a substantially planar surface terminating at having a periphery, said periphery defining a shape different from

one another so as to tactually distinguish said levers and the associated movements of said chair controlled by said levers.

8. [Previously Amended] A plurality of levers as claimed in Claim 7 comprising at least two levers having a periphery defining a shape selected from the group of circular, square, rectangular, oval and half circular shapes.

9. [Currently Amended] A plurality of levers as claimed in Claim 8 wherein each said ~~another end is planar~~ surface is flat.

10. [Currently Amended] A plurality of levers as claimed in Claim 9 wherein each said planar end surface is disposed substantially horizontally relative said chair seat.

11. [Currently Amended] A plurality of levers as claimed in Claim 10 where each of said levers are associated with a control guide ~~including a visual representation corresponding to said~~ for displaying said different shapes and information corresponding to said separate movements of said chair respectively.

12. [Previously Presented] A plurality of levers as claimed in Claim 11 wherein said control guide is adapted to be carried by an arm of said chair.

13. [Currently Amended] A chair having a selectively moveable back and seat and a plurality of control means attached below said seat for activating selected movements of said back and seat, wherein at least one of said control means includes an end having a peripheral edge defining a first shape different from the shape of a second peripheral edge of another one of said control means, said shapes selected from the group of circular, square, rectangular, oval and half circular shapes, for tactically identifying said levers with their associated movement of said back and seat.

14. [Currently Amended] A chair as claimed in Claim 13 wherein ~~said ends of said control means are substantially flat and have a~~ peripheral edges defining said different tactile shapes lie in a substantially flat plane.

15. [Currently Amended] A chair as claimed in Claim 14 further including a guide presented by an arm of said chair for displaying associated with said chair having indicia for correlating said different tactile shapes of said control means and their associated movements of said back and chair.

16. [Previously Presented] A chair as claimed in Claim 15 wherein said indicia includes audio information.

17. [Currently Amended] A chair as claimed in Claim 15 wherein said indicia includes visual information representation of said shapes.

18. [Currently Amended] A chair having a selectively moveable back and seat including:

- (a) a first lever control arm having one end attached below said seat, and another end having a first geometric shape, said first lever control arm activating a selective movement of said back or seat;
- (b) a second lever control arm having one end attached below said seat and another end having a second geometric shape, said second lever control arm activating another selective movement of said back or seat different from said first lever control arm;
- (c) said second geometric shape different from said first geometric shape; wherein said geometric shapes are selected from the group having a two dimensional surface with a circular, square, rectangular, oval or half circular edge.

19. [Previously Presented] A chair as claimed in Claim 23 wherein said guide comprises a display including:

- (a) a first button visually corresponding to said first geometric shape of said first lever arm;
- (b) a second button visually corresponding to said second geometric shape of said second lever arm.

20. [Previously Amended] A display as claimed in Claim 19 wherein said display includes information corresponding to said different geometric shapes and associated movements of said first and second lever control arms.

21. [Currently Amended] A display for a chair having a plurality of lever control arms with ends having different peripheral tactile shapes, for activating selected orientations of a back or seat of said chair respectively comprising

- (a) a screen having a visual representation ~~corresponding to each said different peripheral tactile shapes~~ for displaying said different shapes and the associated orientations of said back or seat activated by said levers respectively.
- ~~(b) information associated with visual representations of said peripheral tactile shapes and corresponding to said selected orientations activated by said plurality of said lever control arms respectively.~~

22. [Currently Amended] A method of correlating at least two ~~a plurality of~~ separate movements of a chair with at least two ~~a plurality of~~ lever control arms activating said movements respectively comprising the steps of:

- (a) providing a first and second ~~a plurality of~~ lever control arms below said seat with an ends having different peripheral tactile contour shapes having a first and second geometric shape respectively, wherein said first geometric shape is different from said second geometric shape;
- (b) displaying a guide on an arm of said chair, said guide having said first and second geometric peripheral shapes with information associated with associating said movements regarding each with said first and second geometric shapes of said plurality of lever control arms and peripheral shapes respectively.

23. [Currently Amended] A chair ~~as claimed in claim 18 further including a guide presented by said arm of said chair for displaying said different geometric shapes and~~

the associated movements of said first and second lever control arms having a selectively moveable back and seat including:

- (a) a first lever control arm having one end attached below said seat, and another end having a first geometric shape, said first lever control arm activating a selective movement of said back or seat;
- (b) a second lever control arm having one end attached below said seat and another end having a second geometric shape, said second lever control arm activating another selective movement of said back or seat different from said first lever control arm;
- (c) said second geometric shape different from said first geometric shape;
- (d) a guide presented by said an arm of said chair for displaying said different geometric shapes and the associated movements of said first and second lever arms.

We enclosed a copy of the clean claims.

35 USC § 102

Examiner rejected Claims 1 – 22 and 23 as being anticipated by Matern. Agent for Applicant respectfully states that Matern does not teach:

1. A plurality of levers each having one end adapted for attachment below a chair seat for controlling separate movements of the chair, each lever having another end presenting a substantially planar surface terminating at a periphery, where the periphery defines a shape different for one another so as to tactually distinguish the levers.
2. At least two control levers each having another end with a tactile contour for identifying the control lever where the contours are selected from the group of circular, triangular, square, rectangular, oval and half circular shapes, spherical, pyramidal, cubical, letters and arrow shapes.

3. Control means which include a first shape different from a second shape of a peripheral edge where the shapes are selected from the group of circular, square, rectangular oval and half circular shapes, for tactually identifying the levers with their associated movement of the back and seat.
4. A guide presented by an arm of the chair for displaying the different geometric shapes and the associated movements of the first and second lever control arms.
5. A screen having a visual representation for displaying the different shapes and the associated orientations of the back, seat activated by the levers respectively.

Matern instead teaches

The surface relief depicts a chair in two different positions illustrative of different chair positions which may result from use of the actuator (see column 1, lines 40 – 44).

Thus the pictograph can be in effect a type of Braille allowing a user to find a proper actuator without having to look down at the actuator (see column 2, lines 59 – 61)

Applicant on the other hand teaches each lever having another end presenting a substantially **planar surface** as in amended claim 7 as well as the planar surface being flat as outlined in claim 9. Matern on the other hand discloses a relief having a pictograph.

Applicant's invention presents tactile surfaces on a substantially flat planar surface terminating at a periphery where the periphery defines the shape while Matern requires carefully discerning of the shapes located with a relief.

35 USC § 103

Examiner rejected claim 22 as being unpatentable over

- (a) Matern in view of Carstens
- (b) Matern in view of May

- (c) Matern in view of DiRe
- (d) Matern in view Dayton
- (e) Matern in view of Takemoto
- (f) Matern in view of Wells
- (g) Matern in view of Hocking

In particular, Examiner stated that Matern teaches the structure substantially as claimed but does not teach the screen and visual representations as defined in claim 22. However, Examiner stated that the other patent referred to in combination with Matern has outlined above teaches such improvements to the chair to be old.

In this regard, Agent for Applicant respectfully states that none of the prior art as outlined above teach the invention as claimed in the amended claims.

CORRESPONDING PCT APPLICATION

Kindly note that the following five patents recited in the corresponding PCT application namely,

US 5630647 A	HEIDMANN, K. R. et al. 20 May 1997
US 6609760 B1	MATERN, G. J. et al. 26 August 2003
US 5700051 A	NEWHOUSE, T. J. 23 December 1997
US D458777 S	BENDEN, M. E. et al. 18 June 2002
CA 2327000 A1	CASSADAY, T. 27 May 2002

Applicant respectfully states that none of the prior art covered in the PCT application teach the invention as particularised in the amended claims. In particular, Agent for Applicant further states that Figures 9 and 11, and numerals 201, 165 and 102 of Heidmann do not teach the invention as claimed in the amended claims herein.

Furthermore, applicant authorises the U.S. Patent Office to withdraw the sum of \$180.00 from our Deposit Account No.502,385 with the U.S. Patent & Trademark Office, for submission of the Information Disclosure Statement which incorporates the five (5) patents cited in the corresponding PCT application referred to above and enclosed herewith.

CLAIM 23

Examiner stated that claim 23 is objected to as being dependant upon a rejected base claim but would be allowable if written in independent form including all of the base claim and any intervening claims.

Kindly note that claim 23 has been amended as requested. Furthermore, applicant respectfully states that claim 19, and 20 depend directly or indirectly from claim 23. Furthermore, claims 15 and 22 have been written in a form incorporating the language of claim 23.

CONCLUSIONS

Agent for Applicant respectfully states that the application is now in condition for immediate allowance and respectfully solicits same.

Yours faithfully,



Agent for Applicant
Eugene J.A. Gierczak
(Registration NO. 31,690)
MILLER THOMSON LLP
Barristers & Solicitors
20 Queen Street West, Suite 2500
Toronto, Ontario Canada M5H 3S1
Telephone No. 416.596.2132
Telecopier No. 416.595.8695
EJAG/lp

cc: Terry Cassaday